

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---



-PS-O-

THAMUD ELDRIDGE,

Plaintiff,

-v-

DECISION AND ORDER  
11-CV-6010Fe

TIMOTHY HOWARD, Sheriff, SGT. HARRIS,  
DEPUTY JEFFREY LOGAL, and JOHN DOE #3  
(Erie County Deputy),

Defendants.

---

By Order dated August 17, 2011, the Erie County Attorney was requested to provide information identifying two John Doe defendants, John Doe #2 (Eric County Deputy) and John Doe #3 (Eric County Deputy)(Docket No. 7). This information was provided by the Erie County Attorney to the Court and filed on September 16, 2011 (Docket No. 8).

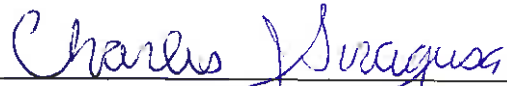
The Erie County Attorney has identified John Doe #2, as Deputy Jeffrey Logal. Pursuant to the Order issued on August 17, 2011 (Docket No. 7), plaintiff's amended complaint is deemed amended to reflect the full name of the John Doe #2 defendant, Deputy Jeffrey Logal. The Clerk of the Court is directed to conform the caption to this Order. The Clerk is further directed to issue a summons for Deputy Jeffrey Logal and to effectuate service by the U.S. Marshal pursuant to the August 17, 2011 Order. Pursuant to 42 U.S.C. § 1997e(g), defendant is directed to answer the amended complaint.

The Erie County Attorney has identified seven individuals who may be the John Doe #3 that plaintiff seeks to name as a defendant. Plaintiff is advised that the statute of

limitations for actions filed under 42 U.S.C. § 1983 is three years, *Owens v. Okure*, 488 U.S. 235, 251 (1989), and he will need to identify the John Doe #3 defendant through discovery and move to amend the caption to add the proper John Doe #3 defendant to this action within that time period.<sup>1</sup>

SO ORDERED.

Dated: SEPT. 26, 2011  
Rochester, New York

  
\_\_\_\_\_  
CHARLES J. SIRAGUSA  
United States District Judge

---

<sup>1</sup>"Plaintiffs, especially *pro se* incarcerated plaintiffs, should be given an opportunity to identify ... unknown defendants through discovery." *Brown v. Doe*, 1999 WL 893070, \* 2 (S.D.N.Y. October 18, 1999) (deferring defendants' motions to dismiss until they have provided the requisite discovery information and materials to the *pro se* prisoner litigant) (citing *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997) (district courts must assist *pro se* incarcerated litigants with their inquiry into the identities of unknown defendants)).